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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,741	08/12/2002	Geoff Campbell	109.001/U	6603

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BUCKLEY, MASCHOFF, TALWALKAR LLC
5 ELM STREET
NEW CANAAN, CT 06840

EXAMINER	
CANGIALOSI, SALVATORE A	
ART UNIT	**PAPER NUMBER**
3621	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/064,741	CAMPBELL ET AL.	
	Examiner	Art Unit	
	Salvatore Cangialosi	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/12/2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/26/02, 2/12/04.* (Duplicate)
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. ɜ 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-30 are rejected under 35 U.S.C. ɜ 103 as being unpatentable over Hale et al(6732180).

Regarding claim 1, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose a method for monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a defect in a decoy file. It is noted that a degraded file is by definition defective which is functionally equivalent to the claim limitations. It would have been obvious to the person

having ordinary skill in this art to provide a similar arrangement for Hale et al because the plurality of degraded decoy files are conventional functional equivalents of the claim limitations because decoys must be defective relative to the original files. Regarding the agent limitations of claim 2, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media that are conventional functional equivalents of the claim limitations. Regarding agent limitations of claim 3, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media that are the conventional equivalents of the claim limitations. Regarding network limitations of claim 4, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media that is conventional functional equivalent of the claim

limitations. Regarding the analyzing limitations of claim 5, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media that are conventional functional equivalents of the claim limitations. Regarding comparison limitations of claim 6, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding adjusting limitations of claim 7, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding comparing limitations of claim 8, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines

5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding agent limitations of claim 9, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding format limitations of claims 10-12, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding file limitations of claim 13, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30

and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding number limitations of claim 14, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding detecting limitations of claims 15-16, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding number limitations of claims 17-18, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer

networks, manufacturing an overwhelming number of decoy copies(sufficient to degrade network performance) in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding monitoring limitations of claims 19 and 20, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding marking limitations of claim 21, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding identifier limitations of claim 22, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to

peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding file limitations of claim 23, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding decoy file limitations of claims 24-27, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding validating limitations of claims 28-29, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in

a plurality of formats including degraded versions of proprietary media including matching format of the decoy to produce a better decoy that is conventional functional equivalent of the claim limitations. Regarding claim 30, Hale et al (See abstract, Figs. 3-9, Col. 3, lines 40-50, Col. 4. lines 5-50, Col. 6, lines 25-45, Col. 7, lines 40-60, Col. 8, lines 10-30 and claims 1-16) disclose a method for monitoring peer to peer networks, manufacturing an overwhelming number of decoy copies in a plurality of formats including degraded versions of proprietary media substantially as claimed. The differences between the above and the claimed invention is the use of explicit use of a defect in a decoy file. It is noted that a degraded file is by definition defective which is functionally equivalent to the claim limitations. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Hale et al because the plurality of degraded decoy files are conventional functional equivalents of the claim limitations because decoys must be defective relative to the original files.

Examiner's Note: Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as

well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571)272-6712**.

Any response to this action should be mailed to:

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Any inquiry of a general nature or relating to the status of

this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(571) 272-3600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222